(Rev. 09/08) Judgment in a Criminal Case

Sheet 1

	-			NOA T	2 2009
	UNITED STAT	ES DIS	STRICT CO	URJAMES W. McCC By:	RMACK CLERK
	Eastern 1	District of	Arkansas		DEPELERK
UNITED STA	TES OF AMERICA v.	)	JUDGMENT I	N A CRIMINAL CA	ASE
SAMUEL F	ROGELIO SILVA	) ) )	Case Number: USM Number:	4:08CR00090-001 S 64163-097	WW
		) )	Chris Tarver (app Defendant's Attorney		
THE DEFENDANT:			Detendant's Attorney		
X pleaded guilty to count(s)	1 of the indictment				
pleaded nolo contendere to which was accepted by the	• •				
☐ was found guilty on count after a plea of not guilty.	(s)				
The defendant is adjudicated	guilty of these offenses:				
<u>Title &amp; Section</u> 21 U.S.C. § 841(a)(1)	Nature of Offense Possession with the intent to distri a Class B Felony	bute mariju	ana,	Offense Ended 08/02/2007	Count 1
the Sentencing Reform Act o		h	of this judgm	nent. The sentence is imp	osed pursuant to
The defendant has been for					
or mailing address until all fin	defendant must notify the United States, restitution, costs, and special assection and United States attorney of	ates attorne essments im material ch	y for this district wit	ent are fully paid. If order	of name, residence, ed to pay restitution,
		Signatu	•	Wey W	
			District Judge Susan ad Title of Judge	Webber Wright	
			11-10-20	Λ9	

Date

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(Rev. 09/08) Judgment in Criminal Case

Sheet 2 — Imprisonment

DEFENDANT:	SAMUEL ROGELIO SILVA
CASE NUMBER:	4:08CR00090-001 SWW

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DEPUTY UNITED STATES MARSHAL

# **IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

THIK	TY-SEVEN (37) MONTHS IMPRISONMENT
X	The court makes the following recommendations to the Bureau of Prisons:  IF DEFENDANT IS ELIGIBLE AND IF APPROPRIATE FOR DEFENDANT, the Court recommends that defendant be incarcerated in Taft or Lompoc, California; that defendant participate in residential substance abuse treatment and that defendant enroll immediately upon arrival at designated facility; and educational and vocational programs during incarceration.
X	The defendant is remanded to the custody of the United States Marshal.
	The defendant shall surrender to the United States Marshal for this district:
	□ at □ a.m. □ p.m. on
	☐ as notified by the United States Marshal.
	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
	before 2 p.m. on
	☐ as notified by the United States Marshal.
	as notified by the Probation or Pretrial Services Office.
	RETURN
I have	executed this judgment as follows:
	Defendant delivered on to
a	, with a certified copy of this judgment.
	UNITED STATES MARSHAL

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(Rev. 09/08) Judgment in a Criminal Case Sheet 3 — Supervised Release

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DEFENDANT: CASE NUMBER: SAMUEL ROGELIO SILVA 4:08CR00090-001 SWW

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

#### **FOUR (4) YEARS**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

	The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
X	The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
X	The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
	The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)

The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

#### STANDARD CONDITIONS OF SUPERVISION

- the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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Sheet 3A — Supervised Release

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DEFENDANT: SAMUEL ROGELIO SILVA 4:08CR00090-001 SWW

# ADDITIONAL SUPERVISED RELEASE TERMS

- 1. Defendant shall participate, under the guidance and supervision of the U. S. Probation Officer, in a substance abuse treatment program which may include testing, out-patient counseling, and/or residential treatment. Further, defendant shall abstain from the use of alcohol throughout the course of any treatment.
- 2. Defendant is not a legal resident of this district. Therefore, the period of supervised release is to be administered by the district where defendant is a legal resident and/or the district where a suitable release plan has been developed.

AO 245B (Rev. 09/08) J@ggset 14:08:nctra103690-SWW Document 21 Filed 11/12/09 Page 5 of 6 Sheet 5 — Criminal Monetary Penalties

DEFENDANT:

SAMUEL ROGELIO SILVA

CASE NUMBER:

4:08CR00090-001

# **CRIMINAL MONETARY PENALTIES**

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The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<b>TO</b> 1	ΓALS	\$	Assessment 100		<u>Fine</u> \$	\$	Restitution	
			tion of restitution is	s deferred until	. An Amended	Judgment in a Crim	inal Case (AO 245C) will be e	ntered
	The def	endant	must make restitut	ion (including commun	ity restitution) to	the following payees in	n the amount listed below.	
	If the de the prior before the	fendar rity ord he Uni	nt makes a partial p ler or percentage p ted States is paid.	ayment, each payee sha ayment column below.	ll receive an appr However, pursu	oximately proportioned ant to 18 U.S.C. § 3664	d payment, unless specified oth 4(i), all nonfederal victims mus	erwise in st be paid
<u>Nan</u>	ne of Pa	<u>vee</u>		Total Loss*	Res	titution Ordered	<b>Priority or Percent</b>	lage
TO	TALS		\$		\$			
	Restitu	tion an	nount ordered purs	uant to plea agreement	\$			
	fifteen	h day	after the date of the		18 U.S.C. § 3612	2(f). All of the paymen	tion or fine is paid in full before t options on Sheet 6 may be su	
	The co	urt det	ermined that the de	fendant does not have t	he ability to pay	interest and it is ordere	d that:	
	☐ the	e intere	est requirement is w	vaived for the 🔲 fi	ne 🗌 restitut	ion.		
	☐ the	e intere	est requirement for	the  fine	restitution is mo	dified as follows:		

<sup>\*</sup> Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: SAMUEL ROGELIO SILVA 4:08CR00090-001 SWW

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## **SCHEDULE OF PAYMENTS**

Hav	ıng a	issessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:
A	X	Lump sum payment of \$ 100 due immediately, balance due
		not later than , or in accordance C, D, E, or F below; or
В		Payment to begin immediately (may be combined with $\square$ C, $\square$ D, or $\square$ F below); or
C		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F		Special instructions regarding the payment of criminal monetary penalties:
		ne court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financi ibility Program, are made to the clerk of the court.  Indant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Join	nt and Several
	Def and	fendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate.
	The	e defendant shall pay the cost of prosecution.
	The	e defendant shall pay the following court cost(s):
	The	e defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.